

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRETT JONES,

Plaintiff,

vs.

No. 12-cv-0337 MV/SMV

**JOSEPH A. TRUJILLO and
DOES 1–10,**

Defendants.

ORDER GRANTING MOTION TO AMEND COMPLAINT

THIS MATTER is before on Plaintiff's Affidavit, Acknowledgement [sic], Common Law Complaint Presented in Admiralty Under Maritime Law [Doc. 9] ("First Amended Complaint"), filed on April 17, 2012. Defendant has not responded. On June 22, 2012, the Honorable Martha Vázquez, United States District Judge, referred the matter to the undersigned for ruling. Order of Reference [Doc. 19].

Plaintiff is proceeding pro se. Therefore, the Court construes his filings liberally. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). The filing at issue appears to be an amended complaint, which identifies several of the Doe Defendants. First Amended Complaint [Doc. 9]. For example, Plaintiff is attempting to add "the United States Company Corporation, the United States Postal Service Corporation, the State of New Mexico Company Corporation, the United States Supreme Court Corporation, the American Bar Association Corporation, and the United States Department of the Treasury." *Id.* at 1–2. The Court construes the filing as a motion to amend the original complaint.

“A party may amend its pleading once as a matter of course within . . . 21 days after service of a responsive pleading” Fed. R. Civ. P. 15(a)(1)(B). Here, Defendant Trujillo filed his responsive pleading to the original complaint on April 9, 2012. Defendant’s Answer to Plaintiff’s Common Law Complaint [Doc. 5] (“Answer to Original Complaint”). Plaintiff filed his First Amended Complaint [Doc. 9] on April 17, 2012. Therefore, Plaintiff’s First Amended Complaint was filed eight days after service of Defendant’s responsive pleading. Because Plaintiff filed his First Amended Complaint within 21 days after Defendant Trujillo filed his Answer to Original Complaint, the Court will allow the First Amended Complaint as a matter of course under Rule 15(a)(1).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff’s Affidavit, Acknowledgement [sic], Common Law Complaint Presented in Admiralty Under Maritime Law [Doc. 9] is construed as a motion to amend the complaint and is **GRANTED**. **Defendant shall respond to the First Amended Complaint within 21 days of the issuance of this order.**

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge